

REMARKS

Upon entry of the instant amendment claims 6-11 and 13 will remain pending in the above identified application and stand ready for further action on the merits. In the instant amendment claims 1-5, 12 and 14 are cancelled. Claim 6 is amended to depend from claim 7 and claim 10 is amended to recite limitations previously recited in claim 12 (now cancelled).

In the instant amendment the specification is also amended at pages 1, 10 and 16 to correct minor typographical errors pointed out by the Examiner at paragraph 1 of the office action.

Accordingly, entry of the instant amendment is respectfully requested at present.

Allowable Subject Matter

At page 8 of the office action, the Examiner indicates that claims 7-9 are allowed, and that claim 12 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form. Applicants appreciate the Examiner's courtesy in indicating these facts.

It is submitted that based on the above comments of the Examiner in the outstanding office action (see page 8, paragraphs "7." and "8.", each of instantly pending claims 6-11 and 13 are now in condition for allowance, since:

- (i) Claims 7-9 were previously indicated to be allowed,
- (ii) Claim 6 has been amended to depend from allowed claim 7,
- (iii) Claim 10 now incorporates the limitations of prior dependent claim 12, which was indicated to contain allowable subject matter (i.e., amended claim 10 recites the invention of prior claim 12 in an independent format), and
- (iv) Claims 11 and 13 depend from claim 10.

Specification Objection

The Specification has been objected to for containing several informalities. The noted informalities have been corrected.

Claim Interpretation

The Examiner's claim interpretation comments pertaining to claim 11, as set forth in paragraph "2." of the office action are noted, but are submitted to not limit the literal scope of claim 11 or the scope of equivalents encompassed thereby.

Claim Rejections 35 USC § 103(a)

Claims 1-4 have been rejected under 35 USC § 103(a) as being unpatentable over **Watanabe et al.** (US 5,415,649) in view of **Okuda et al.** (WO 00/53140A1).

Claims 5, 10-11 and 14 have also been rejected under the provisions of 35 USC § 103(a) over **Watanabe et al.** in view of **Okuda et al.**, further in view of **St. Louis et al.** (US 5,993,433).

Claim 6 has also been rejected under the provisions of 35 USC § 103(a) over **Watanabe et al.** in view of **Okuda et al.**, further in view of **Roe et al.** (US 5,968,025).

Claim 13 has been rejected under the provisions of 35 USC § 103(a) over **Watanabe et al.** in view of **Okuda et al.**, further in view of **St. Louis et al.** and further in view of **Roe et al.**

Reconsideration and withdraw of each of the above rejections under 35 USC § 103(a) is respectfully requested based on the amendments to the claims made herein. In this respect, please see the above comments made above, under the heading "**Allowable Subject Matter**", which clearly explain why upon entry of the instant amendment, each of the pending claims 6-11 and 13

are allowable, based on the Examiner's comments in the outstanding office action. (*See page 8, paragraphs "7." and "8." of the outstanding office action.*)

Provisional Double Patenting Rejection

Claims 1-4 and 6-8 have been provisionally rejected under 35 USC § 101 as claiming the same invention as that of claims 1-3, 5 and 7-9 of copending Application No. 10/801,602.

Based on the amendments made herein to the claims, which puts claims 6-11 and 13 into condition for allowance, the Examiner is respectfully requested to issue a notice of allowance in the present case, and thereafter allow the present claims to issue in a United States Patent, where upon, the Examiner may then make a double patenting rejection in copending Application No. 10/801,602, if the same rejection is warranted at that time. On this topic, MPEP § 804 I. B., clearly states as follows:

...If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Conclusion

Based on the amendments and remarks presented herein, the Examiner is respectfully requested to issue a notice of allowance in the matter of the instant application, indicating that each of the pending claims 6-11 and 13 are allowed and patentable at present.

If the Examiner has any questions concerning the present reply, it is requested that they be directed to the undersigned at the telephone number provided.

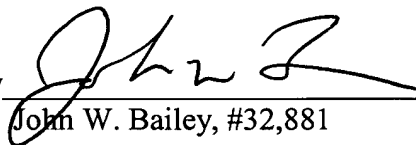
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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By


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